

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

KENNETH MOORE,

Defendant.

**ORDER**

(S2) 14 Cr. 476 (PGG)

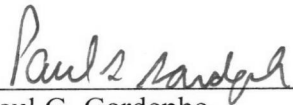
PAUL G. GARDEPHE, U.S.D.J.:

Count Two of (S2) Information 14 Cr. 476 charges Defendant Moore with a violation of 18 U.S.C. § 924(c)(1)(A)(i). This charge is predicated on the Defendant's use and carrying of a firearm in connection with and in furtherance of an alleged racketeering conspiracy. The Government concedes that dismissal of this count is appropriate because – as a result of United States v. Davis, 139 S. Ct. 2319, 2336 (2019) – “racketeering conspiracy no longer qualifies as a crime of violence.” (Dec. 19, 2019 Govt. Ltr. at 2)

Accordingly, Count Two of (S2) Information 14 Cr. 476 is hereby dismissed.

Dated: New York, New York  
March 2, 2020

SO ORDERED.

  
\_\_\_\_\_  
Paul G. Gardephe  
United States District Judge